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NO. 88-1222

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1988

HOLLYWOOD MARINE, INC.
Petitioner,

versus

WIEDEMANN & FRANSEN A.P.L.C.
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT
FOR THE STATE OF LOUISIANA

RESPONSE TO THE ORIGINAL PETITION ON BEHALF OF HOLLYWOOD MARINE, INC.

op Brief

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I. QUESTIONS PRESENTED FOR REVIEW

A. "Whether, under the General Maritime Law, a discharged attorney or any creditor of a seaman has standing to contest a seaman's release, and whether the Louisiana Supreme Court erred in applying state law to hold that such parties can contest a seaman's release."[1]

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[1] Original Petition on Behalf of Hollywood Marine, Inc., p. i.

II. LIST OF PARTIES

Hollywood Marine, Inc. is the petitioner herein. Tenneco Oil Company is a respondent which supports the position of the petitioner. Wiedemann & Fransen are also respondents.

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IV. TABLE OF CASES AND AUTHORITIES

Respondent, Tenneco Oil Company, adopts by reference the Table of Cases and Authorities contained in the Original Petition on Behalf of Hollywood Marine, Inc.

V. REPORT OF OPINIONS DELIVERED IN COURTS BELOW

The judgment of the Court of Appeal of Louisiana, Fourth Circuit is published as *Neely v. Hollywood Marine, Inc.*, 518 So.2d 1151 (La. App. 4th Cir. 1987). The opinion of the Louisiana State Supreme Court is published as *Neely v. Hollywood Marine, Inc.*, 530 So.2d 1116 (La. 1988). There are no other published opinions of the lower courts.

V. STATEMENT OF JURISDICTION

On September 12, 1988, the Louisiana Supreme Court entered Its Judgment reversing the decision of the Court of Appeal of Louisiana, Fourth Circuit. On October 20, 1988, the Louisiana Supreme Court entered Its Order denying the timely petitions for rehearing filed by Hollywood Marine, Inc. and Tenneco Oil Company.

Hollywood Marine, Inc. filed its timely Petition for Certiorari on January 18, 1989. Tenneco Oil Company received this petition on January 26, 1989. Pursuant to Rule 19.6 of the Rules of the Supreme Court of the United States, Tenneco Oil Company now files this response in support of the position of the petitioner.

The Court has jurisdiction over this matter pursuant to 28 U.S.C. Section 1257.

VII. STATEMENT OF STATUTES AND LAW INVOLVED

"This matter involves the interpretation of the General Maritime Law of the United States of America."[2]

VIII. STATEMENT OF THE CASE

A. Statement of the Facts

Respondent, Tenneco Oil Company, hereby adopts by reference the Statement of the Facts contained in the Original Petition on Behalf of Hollywood Marine, Inc.

B. Course of Proceedings and Disposition in Courts Below

Respondent, Tenneco Oil Company, hereby adopts by reference the Course of Proceedings and Disposition in Courts Below contained in the Original Petition on Behalf of Hollywood Marine, Inc.

IX. SUMMARY OF THE ARGUMENT

Respondent, Tenneco Oil Company, hereby adopts by reference the Summary of Argument contained in the Original Petition of Behalf of Hollywood Marine, Inc.

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[2] Original Petition on Behalf of Hollywood Marine, Inc. p. 1.

X. ARGUMENT

Respondent, Tenneco Oil Company, hereby adopts by reference the Argument contained in the Original Petition on Behalf of Hollywood Marine, Inc.

Respectfully submitted,

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XI. APPENDIX

Respondent, Tenneco Oil Company, hereby adopts by reference the Appendix contained in the Original Petition on Behalf of Hollywood Marine, Inc.